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REMARKS

The Examiner has entered an Examiner's amendment for Claims 15 and 18. However, applicant notes that such amendments do not correspond to applicant's numbered claims. Thus, applicant has inserted the Examiner's amendments into Claims 17 and 18, accordingly.

The Examiner has revised the current rejection in light of new prior art and a reformulated rejection. As set forth below, such new rejection is still deficient. However, despite such deficiencies and in the spirit of expediting the prosecution of the present application, applicant has incorporated the subject matter of multiple dependent claims into each of the independent claims, as well as a plethora of other details.

The Examiner has rejected Claims 1, 4, 7-11, 13, 14, 17, 18, 24, 25 and 27 under 35 U.S.C. 102(e) as being anticipated by Saylor et al. (U.S. Patent No. 6,888,929). In addition, the Examiner has rejected Claims 15, 22, 23 and 26 under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. Furthermore, the Examiner has rejected Claims 19-21 under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. in view of Gerszberg et al. (6,044,403). Applicant respectfully disagrees with such rejections, especially in view of the amendments made hereinabove to each of the independent claims.

With respect to each of the independent claims, the Examiner has relied on item 47 in Figure 2 of Saylor to make a prior art showing of applicant's claimed "receiving and recognizing utterances representative of information from the user during the registration process" (see the same or similar, but not identical language in each of the independent claims). Applicant respectfully asserts that item 47 relates to a subscription module. However, in Saylor's description of such subscription module, Saylor discloses a "web subscription interface" such as that in Figure 8 (see Col. 16, lines 10-17). Applicant notes that Figure 8 depicts fields for receiving user input by typing in such input. Clearly a subscription module that receives user information by way of typing into

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fields, as clearly disclosed in Saylor, does not meet applicant's specific claim language, namely "receiving and recognizing utterances representative of information from the user during the registration process" (emphasis added). Only applicant teaches and claims the use of speech recognition during a registration process, in the context claimed.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. Richardson v. Suzuki Motor Co.868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Saylor reference, as noted above. Nevertheless, despite the foregoing paramount distinctions and in the spirit of expediting the prosecution of the present application, applicant has clarified each of the independent claims to further distinguish the prior art of record. Specifically, applicant has amended each of the independent claims to include, at least in part, the subject matter of dependent Claims 19-22 and 25-27, along with the following additional claim language which further limits the claims:

"wherein the determining whether a user is registered includes gathering information relating to the user from a first database and comparing the information against a second database of registered users;

wherein directions are given to the user explaining the registration process and another process by which the user exits the registration process such that the user is capable of exiting the registration process at any time during the registration process upon receipt and detection of a predefined keyword uttered by the user;

wherein the executing the registration process includes receiving an account number that identifies a telecommunication carrier from which the user

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was transferred to the registration process, establishing a unique user account number for the user where the unique user account number is utilized for storing the information, and establishing a personal identification number for the user where the personal identification number is utilized for security purposes;

wherein the registration process includes returning the user to a main menu after the registration process is complete or upon receipt and detection of the keyword;

wherein the handling unregistered callers is managed by a platform including a presentation layer, an application logic layer, an information access services layer, and a telecom infrastructure;

wherein the application logic layer includes a set of reusable application components and a software engine for the execution thereof, the application logic layer further including an application server, and a VoiceXML interpreter, the application server adapted for hosting logic of applications providing services, and the VoiceXML interpreter adapted for executing VoiceXML applications;

wherein the presentation layer provides for communication with the user and includes a telephony server, a speech recognition server, and a text-to-speech server, the telephony server adapted for providing an interface for receiving voice streams from the user, the speech recognition server adapted for providing speech recognition of the voice streams provided by the telephony server, and the text-to-speech server adapted for transforming text input into audio output that is streamed through the telephony server to the user;

wherein the information access services layer provides access to modular value-added services and includes a content service, a user profile service, a billing service, and a portal management service, the content service adapted to manage the first database and the second database and to send alarms based on alarm conditions, the user profile service adapted to provide user information upon an authenticated request, the billing service adapted to capture and process billable events associated with the user, and the portal management service adapted to maintain the information on a voice portal associated with the user,

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where the voice portal is capable of being configured by the user to administer the applications providing the services that are selected by the user;

wherein the services that are selected by the user are chosen from the group consisting of a business finder service, a driving directions service, a flight information service, a traffic updates service, a weather service, a news service, a sports information service, a stock quote service and an infotainment service."

Applicant respectfully asserts that nowhere in the prior art is there any disclosure of an application logic layer, a presentation layer, and an information access layer, and especially not in the specific context claimed by applicant as excerpted above. Thus, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, with respect to the subject matter of Claim 22, presently incorporated into each of the independent claims (at least in part), the Examiner has taken Official Notice is rejecting applicant's claimed technique "wherein the determining whether a user is registered comprises gathering information relating to the user from a first database and comparing the information against a second database of registered users" (see this, or similar, but not identical language in each of the independent claims). In particular, the Examiner has stated that one of ordinary skill in the art would know that information in various databases could be compared. Applicant respectfully disagrees. Gathering information from a first database where such information relates to the user and comparing such information to a second database of registered users, in the manner claimed by applicant, is not met by generally comparing databases, as argued by the Examiner.

Simply nowhere in the prior art references relied on by the Examiner is there any teaching of a first database with information relating to a user, let alone "comparing [such] information against a second database of registered users." Applicant thus formally requests a specific showing of the subject matter in ALL of the claims in any future action. Note excerpt from MPEP below.

"If the applicant traverses such an [Official Notice] assertion the examiner should cite a reference in support of his or her position." See MPEP 2144.03.

With respect to the subject matter of Claim 25, presently incorporated into each of the independent claims (at least in part), the Examiner has relied on an inherency argument regarding applicant's claimed technique "wherein directions are given to the user explaining the registration process and another process by which the user exits the registration process" (see this, or similar, but not identical language in each of the independent claims). Applicant respectfully disagrees that such claim language is inherent in Saylor. Specifically, Saylor simply teaches a web interface by which a user may input subscription information by typing in such information into fields (see Figure 8). However, Saylor does not teach any sort of "directions [that] are given to the user explaining the registration process," as claimed by applicant. Applicant respectfully asserts that such directions would be unnecessary in Saylor since the web interface of Figure 8 only requires information to be input into fields, where each field is associated with a descriptor describing the type of information to be entered.

Despite such distinctions, applicant has amended such claim language to further distinguish the prior art relied on by the Examiner as follows (see emphasized portion):

"wherein directions are given to the user explaining the registration process and another process by which the user exits the registration process such that the user is capable of exiting the registration process at any time during the registration process upon receipt and detection of a predefined keyword uttered by the user."

In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of such claim features, in combination with the remaining claim elements, is respectfully requested. (See MPEP 2112)

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With respect to the subject matter of Claim 26, presently incorporated into each of the independent claims (at least in part), the Examiner has taken Official Notice in rejecting applicant's claimed technique "wherein executing the registration process includes receiving an account number that identifies a telecommunication carrier from which the user was transferred to the registration process, establishing a unique user account number for the user, and establishing a personal identification number for the user" (see this, or similar, but not identical language in each of the independent claims). Specifically, the Examiner has stated that one of ordinary skill in the art would know that this feature could easily be added to the system to customize it and that such feature would make the system more user-friendly.

Applicant respectfully disagrees. Clearly, "receiving an account number that identifies a telecommunication carrier from which the user was transferred" provides additional information relating to the user which, in turn, provides for advantages not contemplated by the prior art (and is thus unobvious). Applicant asserts that nowhere in the prior art relied on by the Examiner is there even a suggestion of receiving such information. Furthermore, applicant has amended such claim language to further distinguish the prior art relied on by the Examiner as follows (see emphasized portion):

"wherein executing the registration process comprises receiving an account number that identifies a telecommunication carrier from which the user was transferred to the registration process, establishing a unique user account number for the user where the account number is utilized in storing the information, and establishing a personal identification number for the user where the personal identification number is utilized for security purposes."

Applicant thus formally requests a specific showing of the subject matter in ALL of the claims in any future action. Again, note excerpt from MPEP below.

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"If the applicant traverses such an [Official Notice]
assertion the examiner should cite a reference in
support of his or her position." See MPEP 2144.03.

With respect to the subject matter of 27, presently incorporated into each of the
independent claims (at least in part), the Examiner has relied on an inherency argument in
rejecting applicant's claimed technique "wherein the registration process includes
returning the user to a main menu after the registration process is complete, or upon
receipt and detection of the keyword" (see this, or similar, but not identical language in
each of the independent claims). The Examiner has simply stated that Saylor inherently
shows that directions are given explaining a process by which the user may exit the
registration process. In making such an assertion, it seems the Examiner has failed to
consider the full weight of applicant's claim language. Applicant specifically claims
"returning the user to a main menu after the registration process is complete, or upon
receipt and detection of the keyword."

In view of the arguments made hereinabove, any such inherency argument has
been adequately rebutted, and a notice of allowance or a specific prior art showing of
such claim features, in combination with the remaining claim elements, is respectfully
requested. (See MPEP 2112)

To establish a prima facie case of obviousness, three basic criteria must be met.
First, there must be some suggestion or motivation, either in the references themselves or
in the knowledge generally available to one of ordinary skill in the art, to modify the
reference or to combine reference teachings. Second, there must be a reasonable
expectation of success. Finally, the prior art reference (or references when combined)
must teach or suggest all the claim limitations. The teaching or suggestion to make the
claimed combination and the reasonable expectation of success must both be found in the
prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d
1438 (Fed.Cir. 1991).

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Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. A notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. Applicants are enclosing a check to pay for the added claims. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. BVOCP013).

Respectfully submitted,
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